

Presented to the Court by the foreman of the Grand Jury in open Court, in the presence of the Grand Jury and FILED in the U.S. DISTRICT COURT at Seattle, Washington.

WILLIAM M. McCool, Clerk
By [Signature] Deputy

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

CR 11 0228 JLR

NO.

Plaintiff,

v.

INDICTMENT

ABU KHALID ABDUL-LATIF,
a/k/a JOSEPH ANTHONY DAVIS, and

WALLI MUJAHIDH,
a/k/a FREDERICK DOMINGUE, JR.,

Defendants.

The Grand Jury charges that:

COUNT 1

(Conspiracy to Murder Officers and Employees of the United States)

Beginning at a time unknown but within the last five years, and continuing until on or about June 22, 2011, at Seattle, within the Western District of Washington, and elsewhere, ABU KHALID ABDUL-LATIF, a/k/a JOSEPH ANTHONY DAVIS, and WALLI MUJAHIDH, a/k/a FREDERICK DOMINGUE, JR., knowingly and intentionally did conspire to kill officers and employees of the United States and of an agency of the United States Government, while such officers and employees were engaged in, and on account of the performance of, their official duties, and to kill other persons assisting such officers and employees in the performance of such duties and on account of that assistance.

1 **A. Background Allegations**

2 At all times material to this Indictment:

3 1. The Department of Defense operates numerous Military Entrance
4 Processing Stations ("MEPS") throughout the United States. Applicants seeking to join
5 one of the branches of the United States Military, including the Army, Navy, Air Force,
6 and Marines, apply through and are processed at a MEPS. Accepted applicants often go
7 through final processing at a MEPS and then are transported to basic training directly
8 from the MEPS.

9 2. A MEPS is staffed by United States Military personnel and other federal
10 civilian employees, who administer tests and evaluate an applicant's physical
11 qualifications and other aptitude per criteria set by each branch of the United States
12 Military. MEPS employees also process applicants for acceptance into the United States
13 Military.

14 3. One of the Department of Defense MEPS is housed in the Federal Center
15 South building, located at 4735 East Marginal Way, Seattle, Washington. The Federal
16 Center South building is owned and operated by the United States Government, General
17 Services Administration. In addition to the MEPS, this building houses a variety of other
18 United States Government agencies and offices, as well as a child care center that is
19 located immediately adjacent to the MEPS.

20 **B. Object of the Conspiracy**

21 4. The object of the conspiracy was to kill officers and employees of the
22 Department of Defense who worked at the MEPS located in the Federal Center South
23 building in Seattle, Washington, and to kill other persons assisting such officers and
24 employees in the performance of their duties, including the security personnel at the
25 Federal Center South building.

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1 **C. Overt Acts in Furtherance of the Conspiracy**

2 5. During and in furtherance of the conspiracy, within the Western District of
3 Washington and elsewhere, one or more of the conspirators committed one or more of the
4 following overt acts, among others:

5 a. On or about May 30, 2011, ABU KHALID ABDUL-LATIF
6 attempted to recruit another person (hereinafter the "confidential source") to join the
7 conspiracy, explaining that he and another man who lived in Los Angeles, California,
8 referring to WALLI MUJAHIDH, were planning an attack against a United States
9 Military facility.

10 b. On or about June 6, 2011, ABU KHALID ABDUL-LATIF spoke
11 with WALLI MUJAHIDH over the telephone in the presence of the confidential source.
12 They discussed the general nature of the conspiracy, including the need to acquire
13 firearms for use in the attack, and their plan to train with the firearms in advance of the
14 attack. During this conversation, MUJAHIDH assured ABDUL-LATIF that he was
15 committed to carrying out the attack.

16 c. On or about June 7, 2011, ABU KHALID ABDUL-LATIF told the
17 confidential source that he wanted to conduct reconnaissance of the MEPS on the
18 following day, and then "make a plan from there."

19 d. On or about June 8, 2011, ABU KHALID ABDUL-LATIF met with
20 the confidential source for the purpose of conducting reconnaissance of the MEPS located
21 in the Federal Center South building in Seattle, Washington. ABDUL-LATIF and the
22 confidential source drove to the building, parked in the parking lot, and approached the
23 front door of the building. ABDUL-LATIF commented on the presence of a security
24 guard inside the lobby of the building, and the security cameras on the exterior of the
25 building. ABDUL-LATIF further stated that he was not "worried" about the security
26 guard because, "We'll just kill him right away. . . . We can kill him first."

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1 e. On or about June 8, 2011, ABU KHALID ABDUL-LATIF
2 instructed the confidential source to acquire weapons for use during the attack of the
3 MEPS, including firearms, magazines, ammunition, and grenades.

4 f. On or about June 14, 2011, ABU KHALID ABDUL-LATIF spoke
5 with WALLI MUJAHIDH over the telephone in the presence of the confidential source.
6 They arranged for MUJAHIDH to travel via bus from Los Angeles, California, to Seattle,
7 Washington, on June 20-21, 2011.

8 g. On or about June 14, 2011, ABU KHALID ABDUL-LATIF met
9 with the confidential source and inspected representative samples of the weapons
10 (including machineguns and a grenade) that ABDUL-LATIF instructed the confidential
11 source to obtain for their use during the attack on the MEPS. After inspecting the
12 weapons, ABDUL-LATIF instructed the confidential source to obtain three machineguns
13 and several loaded magazines for the machineguns, with the understanding that they
14 would obtain grenades and other items necessary for the attack at a later time.

15 h. On or about June 16-17, 2011, ABU KHALID ABDUL-LATIF
16 provided the confidential source with \$800 cash to pay for the weapons that he and
17 WALLI MUJAHIDH intended to use during the attack on the MEPS.

18 i. On or about June 20-21, 2011, WALLI MUJAHIDH traveled via bus
19 from Los Angeles, California, to Seattle, Washington.

20 j. On or about June 21, 2011, ABU KHALID ABDUL-LATIF and
21 WALLI MUJAHIDH met with the confidential source and further discussed the details of
22 their planned attack on the MEPS, including that they intended to use machineguns and
23 grenades during the attack.

24 k. On or about June 22, 2011, ABU KHALID ABDUL-LATIF and
25 WALLI MUJAHIDH met with the confidential source to take possession of the
26 machineguns that ABDUL-LATIF previously ordered, and during the meeting ABDUL-
27 LATIF and MUJAHIDH possessed and inspected the machineguns.

28 All in violation of Title 18, United States Code, Sections 1114(1) and 1117.

COUNT 2**(Conspiracy to Use Weapons of Mass Destruction)**

Beginning at a time unknown but within the last five years, and continuing until on or about June 22, 2011, at Seattle, within the Western District of Washington, and elsewhere, ABU KHALID ABDUL-LATIF, a/k/a JOSEPH ANTHONY DAVIS, and WALLI MUJAHIDH, a/k/a FREDERICK DOMINGUE, JR., knowingly and intentionally, and without legal authority, did conspire to use a weapon of mass destruction, that is, a destructive device consisting of a grenade, against property that is owned and used by the United States and by a department and agency of the United States, namely, the Federal Center South building, located at 4735 East Marginal Way, Seattle, Washington; and against persons and property within the United States, where a perpetrator traveled in and caused another to travel in interstate commerce in furtherance of the offense.

The allegations contained in paragraphs 1-5 of Count 1 above are herein re-alleged and incorporated by reference.

All in violation of Title 18, United States Code, Sections 2332a(a)(2)(C) and 2332a(a)(3).

COUNT 3**(Solicitation to Commit Crimes of Violence)**

Beginning on or about May 30, 2011, and continuing through June 22, 2011, at Seattle, within the Western District of Washington, and elsewhere, ABU KHALID ABDUL-LATIF, a/k/a JOSEPH ANTHONY DAVIS, did solicit, induce and otherwise endeavor to persuade another person, that is, the confidential source referenced in paragraph 5 of Count 1 above, to engage in conduct constituting a felony that has as an element the use and attempted use of physical force against property and against the person of another in violation of the laws of the United States, that is, the offenses of Murder of Officers and Employees of the United States, in violation of Title 18, United States Code, Section 1114(1), and Use of Weapons of Mass Destruction, in violation of

1 Title 18, United States Code, Sections 2332a(a)(2)(C) and 2332a(a)(3), with the intent
 2 that another person engage in such conduct and under circumstances strongly
 3 corroborative of that intent.

4 All in violation of Title 18, United States Code, Section 373(a).

5 **COUNT 4**

6 **(Possession of Firearms in Furtherance of Crimes of Violence)**

7 On or about June 14, 2011, at Seattle, within the Western District of Washington,
 8 ABU KHALID ABDUL-LATIF, a/k/a JOSEPH ANTHONY DAVIS, possessed firearms,
 9 to wit, one Heckler & Koch MP5, 9 x 19 mm caliber sub-machinegun, with serial number
 10 62-370875, and one Colt M16A2 Commando, 5.56 mm caliber assault rifle, with serial
 11 number A0137282, in furtherance of a crime of violence for which he may be prosecuted
 12 in a court of the United States, that is, the offenses alleged in Count 1 and Count 2 above.

13 It is further alleged that both of the firearms possessed by ABDUL-LATIF were
 14 machineguns, as defined in Title 18, United States Code, Section 921(a)(23), and Title 26,
 15 United States Code, Section 5845(b).

16 All in violation of Title 18, United States Code, Sections 924(c)(1)(A) and
 17 924(c)(1)(B)(ii).

18 **COUNT 5**

19 **(Unlawful Possession of Firearms)**

20 On or about June 14, 2011, at Seattle, within the Western District of Washington,
 21 ABU KHALID ABDUL-LATIF, a/k/a JOSEPH ANTHONY DAVIS, having been
 22 convicted of a crime punishable by imprisonment for a term exceeding one year, that is,
 23 Robbery in the First Degree, in Kitsap County Superior Court, Case No. 01-1-01719-3, on
 24 or about January 15, 2002, did knowingly possess firearms, to wit, one Heckler & Koch
 25 MP5, 9 x 19 mm caliber sub-machinegun, with serial number 62-370875, and one Colt
 26 M16A2 Commando, 5.56 mm caliber assault rifle, with serial number A0137282, both of
 27 which had previously been shipped and transported in interstate or foreign commerce.

28 All in violation of Title 18, United States Code, Section 922(g)(1).

COUNT 6**(Possession of Firearms in Furtherance of Crimes of Violence)**

On or about June 22, 2011, at King County, within the Western District of Washington, ABU KHALID ABDUL-LATIF, a/k/a JOSEPH ANTHONY DAVIS, possessed firearms, to wit, a Colt M16A1, 5.56 mm caliber assault rifle, with serial number 9463259; a Colt M16A1, 5.56 mm caliber assault rifle, with serial number 9574856; and a Colt M16A1, 5.56 mm caliber assault rifle, with serial number 9396093; in furtherance of a crime of violence for which he may be prosecuted in a court of the United States, that is, the offenses alleged in Count 1 and Count 2 above.

It is further alleged that each of the firearms possessed by ABDUL-LATIF were machineguns, as defined in Title 18, United States Code, Section 921(a)(23), and Title 26, United States Code, Section 5845(b).

All in violation of Title 18, United States Code, Sections 924(c)(1)(A), 924(c)(1)(B)(ii), and 2.

COUNT 7**(Possession of Firearms in Furtherance of Crimes of Violence)**

On or about June 22, 2011, at King County, within the Western District of Washington, WALLI MUJAHIDH, a/k/a FREDERICK DOMINGUE, JR., possessed firearms, to wit, a Colt M16A1, 5.56 mm caliber assault rifle, with serial number 9463259; a Colt M16A1, 5.56 mm caliber assault rifle, with serial number 9574856; and a Colt M16A1, 5.56 mm caliber assault rifle, with serial number 9396093; in furtherance of a crime of violence for which he may be prosecuted in a court of the United States, that is, the offenses alleged in Count 1 and Count 2 above.

It is further alleged that each of the firearms possessed by MUJAHIDH were machineguns, as defined in Title 18, United States Code, Section 921(a)(23), and Title 26, United States Code, Section 5845(b).

All in violation of Title 18, United States Code, Sections 924(c)(1)(A), 924(c)(1)(B)(ii), and 2.

COUNT 8

(Unlawful Possession of Firearms)

On or about June 22, 2011, at King County, within the Western District of Washington, ABU KHALID ABDUL-LATIF, a/k/a JOSEPH ANTHONY DAVIS, having been convicted of a crime punishable by imprisonment for a term exceeding one year, that is, Robbery in the First Degree, in Kitsap County Superior Court, Case No. 01-1-01719-3, on or about January 15, 2002, did knowingly possess firearms, to wit, a Colt M16A1, 5.56 mm caliber assault rifle, with serial number 9463259; a Colt M16A1, 5.56 mm caliber assault rifle, with serial number 9574856; and a Colt M16A1, 5.56 mm caliber assault rifle, with serial number 9396093; each of which had previously been shipped and transported in interstate or foreign commerce.

All in violation of Title 18, United States Code, Sections 922(g)(1) and 2.

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COUNT 9**(Unlawful Possession of Firearms)**

On or about June 22, 2011, at King County, within the Western District of Washington, WALLI MUJAHIDH, a/k/a FREDERICK DOMINGUE, JR., having been convicted of a crime punishable by imprisonment for a term exceeding one year, that is, Petty Theft with Prior Convictions, in Riverside County Superior Court, Case No. RIF104247, on or about October 16, 2002, did knowingly possess firearms, to wit, a Colt M16A1, 5.56 mm caliber assault rifle, with serial number 9463259; a Colt M16A1, 5.56 mm caliber assault rifle, with serial number 9574856; and a Colt M16A1, 5.56 mm caliber assault rifle, with serial number 9396093; each of which had previously been shipped and transported in interstate or foreign commerce.

All in violation of Title 18, United States Code, Sections 922(g)(1) and 2.


A TRUE BILL:


DATED:

*Signature of Foreperson redacted pursuant
to the policy of the Judicial Conference*

FOREPERSON


JENNY A. DURKAN
United States Attorney


TODD GREENBERG
Assistant United States Attorney


MICHAEL DION
Assistant United States Attorney